



**Ebensburg Borough Council Meeting**  
**Monday, September 28, 2020**  
**6:30 p.m.**

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**Borough Council**  
Doug Tusing, President  
Dave Kuhar, Vice-President  
Jeffrey Ball  
Cecilia Houser  
Theresa Jacoby  
Scot May  
Michael Owatt  
**Mayor**  
Randy Datsko

**AGENDA**

**CALL TO ORDER & PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

*Members of the public are invited to comment at this time on any item appearing on the agenda.*

**1. CONSENT AGENDA**

*All items listed on the Consent Agenda are considered to be routine and will be acted upon by a single motion. There will be no separate discussion of these items unless members of the Council request specific items to be removed for separate action.*

- Item 8B: Make it a matter of record that Malia Kutchman has been hired part-time at the tennis center effective 8/27/2020.
- Item 9A: Approve the minutes of the August 24, 2020 regular monthly meeting of Borough Council.
- Item 9B: Approve the financial statement.
- Item 9C: Approve payment of bills.
- Item 10D: Approve design of a taxiway improvement project in 2020

Recommended Action – Approve the consent agenda.

**2. APPOINTMENTS TO ADDRESS COUNCIL**

**3. MAYOR'S REPORT**

- Item 3A: Report on Police Department

**4. COUNCIL PRESIDENT COMMENTS**

**5. WATER, WASTEWATER & STORMWATER COMMITTEE**

**Ball & Kuhar**

**Item 5A: Report from Inframark on Wastewater Treatment Plant Operations**

Q&A on the written report submitted and on projects and activities at the wastewater plant.

Recommended Action – No action required.

**Item 5B: Report from Inframark on Water Treatment Plant Operations**

Q&A on the written report submitted and on projects and activities at the water plant.

Recommended Action – No action required.

**Item 5C: Water Project**

There is a relatively small water line project to be completed along North Spruce Street between Horner Street and Milton Street. There are multiple leaks ongoing on that 1½” line. This project involves the replacement of 600 feet of water line serving two customers. The project must be completed prior to street resurfacing in 2021. Staff can prepare the bidding documents in-house and the work can be completed this fall.

Recommended Action – Approve the bidding of a water line project on North Spruce Street.

**Item 5D: Sewer Projects**

There are two relatively small sewer line projects to be completed. The first is in the 700 block of East Ogle Street. The 200 feet line is in the rear yards and serves four properties. This line was omitted from the wastewater project.

The second project is in the 200 block of North Marian Street. The new main recently installed in Marian Street is too low for two properties. It is necessary to install 200 feet of new main at the rear in order to provide service. These customers remain connected to an old sewer main that is to be converted to stormwater use. The project must be completed prior to street resurfacing in 2021.

Staff can prepare the bidding documents in house and the work can be completed this fall.

Recommended Action – Approve the bidding of two sewer projects on East Ogle Street and North Marian Street.

**6. RECREATION COMMITTEE**

**Jacoby, May & Owatt**

**7. STREET COMMITTEE**

**Ball, Houser & Owatt**

**Item 7A: 2020 Sidewalk Project**

All primary work on this project has been completed with the exception of two blocks of East Sample Street. A punchlist of minor secondary work has been shared with the contractor and they are working to complete that work.

Recommended Action – No action required.

**Item 7B: 2020 Street Resurfacing**

The milling and resurfacing of streets in the northeast quadrant is expected to begin in early October.

Recommended Action – No action required.

**Item 7C: Sidewalk Ordinance**

In February 2020 Council agreed to delete the required sidewalks on the south side of the 500 and 600 blocks of West Sample Street, between West Street and Marian Street. The Ordinance was not amended at that time as further consideration was to be given to possibly adding segments of additional streets to the list of required sidewalks. The street committee is recommending that the Ordinance be amended to address the change on West Sample Street only.

Recommended Action – Grant tentative approval to Ordinance #655 amending where sidewalks are required on West Sample Street.

<b>8. ADMINISTRATION COMMITTEE</b>	<b>Houser, Jacoby &amp; Kuhar</b>
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**Item 8A: Borough Manager Retirement**

The Borough Manager will be retiring on March 6, 2021. Council’s administration committee met on August 24<sup>th</sup> and September 14<sup>th</sup> to discuss a search process for filling the vacancy. Council will meet in executive session at the conclusion of this meeting to further discuss with all members how to proceed.

Recommended Action – Make it a matter of record that the administration committee met in executive session on August 24, 2020 and September 14<sup>th</sup> to discuss the upcoming manager vacancy.

**Item 8B: Tennis Center**

A vacant part-time position at the tennis center was filled.

Recommended Action - Make it a matter of record that Malia Kutchman has been hired part-time at the tennis center 8/27/2020.

**Item 8C: 2021 Budget Preparation**

The Manager is preparing preliminary budget numbers. The administration committee will meet on Monday, October 12<sup>th</sup> to compile a tentative budget for Council’s review at the October meeting. Final adoption is expected at the November Council meeting.

Recommended Action – No action required.

<b>9. DIVERSITY COMMITTEE</b>	<b>May, Kuhar &amp; Houser</b>
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**Item 9A: Gender-Neutral Code Revisions**

There is a growing awareness of the need for language to be inclusive of all people. Gender-specific words contribute to gender biases and are exclusionary. The Borough’s Code of Ordinances contains many gender-specific words.

For example:

**§1-203. Qualifications**

The Borough Manager shall be chosen solely on the basis of his executive and administrative abilities, with special reference to his actual experience in or his knowledge of accepted practices in respect to the duties of the office as herein outlined.

**§1-102. Monthly and Special Meetings**

A stated or regular meeting of the Council shall be held on a day and at a time as determined from time to time by resolution of Council. A special meeting of the Council may be called by the President of the Council, on his own initiative, and shall be called by him on the written request of three members of the Council. Notice of special meetings shall be given or sent to each member of the Council by the Borough

Ordinance #656 is proposed to correct this problem. It directs that ALL ordinances and resolutions be edited to replace gender-specific terms with gender-neutral terms. The Ordinance further expands the Borough's focus on equity and inclusion and is consistent with the Borough's stated diversity objectives.

Recommended Action – Grant tentative approval to Ordinance #656 editing all ordinances and resolutions as necessary to replace gender-specific terms with gender-neutral terms and to advertise for public inspection.

**10. GENERAL BUSINESS**

- \* Item 10A: Minutes of Previous Meeting(s)  
The minutes of the August 24, 2020 regular meeting are presented for Council review and approval.

Recommended Action – Approve the minutes of the previous meeting(s).

- \* Item 10B: Financial Statement  
The financial statement for August 2020 is presented for approval.

Recommended Action – Approve the August 2020 financial statement.

- \* Item 10C: Bills  
A list of bills totaling \$779,963.88 is submitted for approval.

Recommended Action – Approve payment of the bills as submitted.

- \* Item 10D: Airport Capital Improvement Plan  
Last month Council approved an update to the airport CIP adding taxiway improvements in 2021. Since the bids for runway surfacing were lower than expected, the Bureau of Aviation has authorized a second grant in 2020 for design of the upcoming taxiway resurfacing. The funding level for both grants is 100%; there is no local match required from RACRA. Actual construction on the taxiway project will be treated as a separate project in 2021.

Recommended Action – Approve design of a taxiway improvement project in 2020.

**Item 10E: Garbage/Recycling Bids**

The garbage/recycling contract expires at the end of 2020. Bids were advertised and opened on September 8<sup>th</sup>.

	<u>Current</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
Pro Disposal, Inc.	\$144,936.96	\$146,280.00	\$146,280.00	\$149,780.00
Waste Management		\$305,661.60	\$317,872.80	\$330,592.80
Burgmeier Hauling		\$164,682.12	\$169,622.58	\$174,711.26

The bid cost of other related services are:

Pro Disposal

Spring clean-up	\$5,000.00	\$ 0	\$ 0	\$ 0
Rear pick-up	\$4.00/mo.	\$4.00/mo.	\$4.00/mo.	\$4.00/mo.
Additional bag	\$2.00/bag	\$2.00/bag	\$2.00/bag	\$2.00/bag

Waste Management

Spring clean-up	\$8,599.22	\$8,943.19	\$9,300.92
Rear pick-up	\$39.03/mo.	\$39.99/mo.	\$40.99/mo.
Additional bag	\$3.50/bag	\$3.50/bag	\$3.50/bag

Burgmeier Hauling

Spring clean-up	\$4,700.00	\$4,841.00	\$4,986.23
Rear pick-up	\$3.00/mo.	\$3.09/mo.	\$3.18/mo.
Additional bag	\$1.50/bag	\$1.55/bag	\$1.60/bag

The borough's current customer charge is \$18.50/mo. There is no need to adjust that fee as the Borough's annualized cost increased less than \$1,400. Spring clean-up will now be provided at no additional cost.

A question was asked about the viability of recycling programs in general. Pro Disposal operates the only functional recycling site in Cambria County. In addition to its own customers, they accept recyclables from Waste Management and the county's program. The market is volatile. When the market is poor Pro Disposal is able to store recyclables for later disposal, but storage is limited. There are times when recyclables do end up in the landfill for lack of any other option.

Recommended Action – Award a contract to Pro Disposal for weekly garbage collection and recycling service for the 3-year period beginning January 1, 2021.

**Item 10F: Outdoor Burning**

Last month Council granted tentative approval to Ordinance #654 banning outdoor burning with the exception of recreational fires. The Ordinance has been advertised and is ready for final adoption.

Recommended Action – Grant final approval to Ordinance #654 banning outdoor burning.

**Item 10G: Covid-19 Financial Impact**

The overall financial impact of Covid-19 on Borough finances has been minimal. The YPCC, tennis center and swimming pool incurred loss of revenue, however, the expenses at each of the facilities was reduced.

Revenue at the tennis center is down \$42,985 from last year at this time, but our expenses during the same period are \$29,366 lower.

Swimming pool revenue is down \$39,238 but expenses are \$26,046 lower.

At the YPCC, while revenue is down \$33,759 our expenses are \$35,955 lower.

Covid-related business closures have had a more significant impact on water and wastewater revenues. Those shortfalls will be discussed in more detail next month when the budget is presented.

Recommended Action – No action required.

**Item 10H: Cambria County CARES Act Grants**

Cambria County has received CARES Act funding to be distributed for Covid-19 relief. There are two separate programs: one for non-governmental entities and one for government.

The Main Street Partnership will likely qualify for non-governmental funding. Loss of fundraising revenue is an eligible submission. The Partnership has suffered a net loss of approximately \$50,000 due to the cancellation of events in 2020.

The Borough qualifies under the governmental portion of the program. Loss of revenue is not eligible under governmental funding, however all “front line” police personnel costs are reimbursable between March 1<sup>st</sup> and December 31<sup>st</sup>. Eligibility extends to even regularly scheduled officers. Eligible police costs total \$364,778. In addition, costs incurred by the Borough for increased cleaning hours and sanitizing supplies totals \$10,462. The Borough’s total grant application is for \$375,240.

Funding applications were submitted to both programs prior to the September 4<sup>th</sup> deadline.

Recommended Action – Adopt Resolution 2020-12 authorizing an application to Cambria County for \$375,240 under the Covid-19 Relief Grant.

**Item 10I: Dog Park**

In April Council reviewed conceptual ideas for a dog park to be constructed by the Rotary Club at Lake Rowena. The concept was approved, and the Rotary Club was authorized to proceed with site plans. The Rotary Club wishes for Council to review and approve that site plan. None of the existing trees on the property are impacted.

The Borough's commitments to the project include the use of the property, providing and installing water service and stormwater drainage to the area, and long-term ownership and maintenance of the facility. Those will all qualify as local matching funds for any grant program.

Recommended Action – Approve the site plan for the dog park to be constructed at the Lake Rowena property, and the in-kind service of water and stormwater installation.

- \* Item 10J: Middle School Football Field  
A request is pending to rezone the former middle school football field from single-household residential to multi-household residential. A public hearing is scheduled for Monday, October 5<sup>th</sup> at 6:30.

Recommended Action – No action required

**Item 10K: Zoning Amendment**

The Zoning Hearing Board recently denied a variance for a front yard fence, in accordance with Section 607 of the Zoning Ordinance. Fences are not permitted forward of the front of a residence in residential zoning districts. The applicant is requesting that the Ordinance be amended due to the number of alleged violations of that section that exist. Staff has not had an opportunity to fully review the matter and recommends further review at the October meeting. In the meantime, the request can be forwarded, as required, to the planning commission for review and recommendations.

Recommended Action – Refer a requested Zoning Ordinance amendment relative to front yard fences to the planning commission for recommendations.

## 11. DEPARTMENT REPORTS

**Item 11A: Police Department**

Chief Wyland has submitted a written report on the police department's activities during the month.

**Item 11B: Public Works Department**

Public Works Director Jeff Evans has submitted a written report on the public works department's activities during the month.

**Item 11C: Community Development**

Community Development Director Dana Koss has submitted a written report on the community development department's activities during the month.

**Item 11D: Recreation Department**

Recreation Director Dirk Johnson has submitted a written report on the recreation department's activities during the month.

- \* Item 11E: Codes Enforcement  
A monthly codes enforcement report was forwarded to Council.

- \* Item 11F: Ebensburg Municipal Authority  
A copy of the minutes of the last municipal authority meeting is included in Council's packet.
- \* Item 11G: Ebensburg Planning Commission
  1. Lot Merger, 320 East High Street  
A lot merger at 320 East High Street was tentatively approved by Council last month pending planning commission approval. The planning commission tabled the application as the lot merger plan had not yet been submitted. It is scheduled for consideration again on October 1<sup>st</sup>.

Recommended Action – No action required.

- \* Item 11H: Ebensburg Zoning Board – No activity

## 12. MEDIA COMMENTS/QUESTIONS

*Representatives of the media are invited to comment and ask questions at this time on any issues, whether or not on the agenda.*

## 13. PUBLIC COMMENTS

*Members of the public are invited to comment at this time on any issues, whether or not on the agenda.*

## 14. EXECUTIVE SESSION

*Council will conduct an executive session to discuss the search process for a Borough Manager.*

## 15. ADJOURNMENT

*Copies of all staff reports and documents subject to disclosure that relate to any item of business referred to on the agenda are available for public inspection the Thursday before each regularly scheduled meeting at the Borough office, located at 300 West High Street, Ebensburg, Pa. Any documents subject to disclosure that are provided to members of the Borough Council regarding any item on this agenda are available for public inspection at the Borough office or at [www.ebensburgpa.com](http://www.ebensburgpa.com).*

*In accordance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Borough office (814) 472-8780 or [eburg@ebensburgpa.com](mailto:eburg@ebensburgpa.com). Notification 48-hours before the meeting will enable the Borough to make reasonable arrangements to ensure accessibility to this meeting.*